



CONGRESSIONAL BUDGET OFFICE
COST ESTIMATE

July 31, 1998

H.R. 2070
Correction Officers Health and Safety Act of 1998

As ordered reported by the House Committee on the Judiciary on July 21, 1998

SUMMARY

H.R. 2070 would require the Bureau of Prisons (BOP) to test for human immunodeficiency virus (HIV) in new federal prison inmates who are to be incarcerated for a period of six months or more. The bill also would allow BOP to test current inmates or anyone ordered detained pending trial if there is a well-founded reason to believe that an inmate or detainee may have intentionally or unintentionally transmitted HIV to an officer, employee, or visitor of the correctional facility. If test results indicate the presence of HIV, BOP would provide access to counseling, health care, and support services to the tested prisoner and any affected officer, employee, or visitor. In addition, H.R. 2070 would direct the Attorney General to develop rules to implement this policy and proposed guidelines for state correctional institutions.

Assuming appropriation of the necessary amounts, CBO estimates that implementing the bill would result in additional costs of about \$10 million over the 1999-2003 period. Because the bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

H.R. 2070 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. H.R. 2070 would impose new private-sector mandates as defined in UMRA, but the private sector would incur no direct costs as a result.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 2070 is shown in the following table. The costs of this legislation fall within budget function 750 (administration of justice).

	By Fiscal Year, in Millions of Dollars					
	1998	1999	2000	2001	2002	2003
SPENDING SUBJECT TO APPROPRIATION						
Baseline Spending for Prison Operations						
Under Current Law						
Estimated Authorization Level ^a	2,848	2,971	3,085	3,198	3,315	3,437
Estimated Outlays	2,433	2,854	3,056	3,170	3,286	3,407
Proposed Changes						
Estimated Authorization Level	0	2	2	2	2	2
Estimated Outlays	0	2	2	2	2	2
Total Spending for Prison Operations						
Under H.R. 2070						
Estimated Authorization Level ^a	2,848	2,973	3,087	3,200	3,317	3,439
Estimated Outlays	2,433	2,856	3,058	3,172	3,288	3,409

a. The 1998 level is the amount appropriated for that year. The estimated authorization levels for 1999 through 2003 reflect CBO baseline estimates, assuming adjustments for anticipated inflation. If no such adjustments are assumed, the authorization level under current law would be \$2,848 million each year, and the authorization level under H.R. 2070 would be \$2,850 million each year.

BASIS OF ESTIMATE

For purposes of this estimate, CBO assumes that H.R. 2070 will be enacted by October 1, 1998, and that the estimated authorization amounts will be appropriated for each fiscal year.

CBO estimates that enacting this bill would cost the prison system about \$2 million annually. Based on information from BOP, CBO estimates that about 36,000 new federal prisoners would be tested for HIV each year under H.R. 2070, at a cost of about \$40 per prisoner (in 1998 dollars). We expect that there would be relatively few additional tests of current inmates or people detained pending trial; we expect that BOP would continue its current practice of testing all outgoing inmates. BOP estimates that approximately 1.2 percent of the current prison population is HIV-positive.

The prison system is currently able to identify most prisoners who are HIV-positive. The new testing regime would identify some additional inmates, and lead to earlier identification of others, but the numbers involved are not likely to be substantial. Therefore, while the mandatory testing of new prisoners would lead to some additional

costs for medical treatment and support services, the increase in annual costs would not be significant.

PAY-AS-YOU-GO CONSIDERATIONS: None.

ESTIMATED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS

H.R. 2070 contains no intergovernmental mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

ESTIMATED IMPACT ON THE PRIVATE SECTOR

H.R. 2070 would impose new private-sector mandates as defined in UMRA. The bill would require individuals convicted of a federal offense and sentenced to incarceration for six months or more to be tested for HIV. In addition, H.R. 2070 would require HIV testing for individuals ordered detained pending trial who may have transmitted the disease to federal officers, federal employees, or other persons who are not incarcerated. For purposes of UMRA, the private sector encompasses all persons in the United States, including individuals who are in prison. The cost of the testing requirement and treating detected illnesses would be borne by the federal government and, consequently, the direct costs of mandates to the private sector would be zero.

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